

September 29, 1998

Mr. Lou Castro
Office of Program Operations
Legal Services Corporation
750 First Street, NE, 10th Floor
Washington, DC 20002-4250

Re: State Planning Reports
Recipient Nos. 641020, 641010, 641030, 641046, and 641027

Dear Mr. Castro

On behalf of the South Carolina Legal Services Coordinating Committee, enclosed are three copies of the State Planning Report for the State of South Carolina. An electronic copy will also be submitted as requested. The South Carolina Legal Services Coordinating Committee includes:

1. The directors, staff and selected board members from the five legal services programs in the state of South Carolina;
2. Representatives from the South Carolina Bar;
3. A representative from the South Carolina Bar Foundation; and
4. Representatives from the South Carolina Legal Services Association.

This report addresses intake, advice and referral, and steps we have taken to make it more efficient. One major step taken is the development of a statewide centralized intake system. The report also addresses the tremendous technological advances we have made within the last few years. The important issues of access to the courts, self-help, and preventive education are also addressed in detail.

Detailed information has also been provided regarding our coordination of legal work, training information, and expert assistance. Finally, private attorney involvement, resource development, and system centralization plans have been outlined and discussed in detail.

Until further notice, I will serve as the primary contact person for this report.

Sincerely

Johnny Simpson
Executive Director

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STATE PLANNING: SOUTH CAROLINA

1. Intake, Advice and Referral

Each of the five LSC-funded legal services programs in South Carolina has had a unique intake procedure. Each program sets priorities according to LSC regulations and individually determines under what circumstances and to what extent services are offered to clients in its service area. Usually potential clients access services by calling the local field office where they are screened for financial eligibility over the telephone or scheduled for screening appointments in the local office. Clients are not usually provided counsel, advice or brief services by telephone.

During the past year the five LSC-funded programs have committed time and money toward the development of a statewide centralized intake system that will:

5. Promptly address the legal needs of a larger segment of the indigent population in South Carolina with expanded counsel and advice and brief services offered by telephone;
6. Increase accessibility to legal services for the elderly, the disabled and persons in counties where there is no field office;
7. Maximize the use of staff by eliminating the intake screening responsibilities at the local level allowing staff to meet the emerging needs of the indigent population;
8. Focus staff on more complex legal issues and cases where *pro se* representation is not feasible;
9. Formalize a uniform intake system for providing legal services to the indigent in South Carolina; and,

6. Provide statistical data to enhance the development of innovative service delivery systems by the five LSC programs for the indigent population in South Carolina.

The centralized intake system is being designed to supplement, not replace, existing legal services' programs. The system will allow the local office to concentrate on legal work rather than intake and administrative matters. It will conduct initial intake screening for the service areas of all five programs. The staff of lawyers and paralegals will develop expertise in intake, evaluation and brief service functions of the delivery of legal services. Protocol for referrals will be developed by the centralized intake program in conjunction with other service providers. Time will be reserved for the intake staff to work on cases, attend substantive training and work on special projects.

Potential clients will call a toll-free telephone number which will have regular, designated times to accept calls. The telephone number will be publicized in the client and provider community and through public service announcements. Clients with special needs such as mental illness, cultural barriers, communication impairments or no access to telephones will continue to have in-person interviews at the local field office.

On all conflict matters, the client will be given the number for the South Carolina Bar Pro Bono Program, which has agreed to continue to conduct the conflict intakes. All other clients will be screened for financial eligibility. Eligible clients who have an emergency will be referred immediately to the local field office for assistance. If an eligible client's problem can be resolved with counsel and

advice, it will be given at that time over the telephone. It is anticipated that certain brief services, including the review of some documents, will be provided to eligible clients by the centralized intake staff. If it is determined that an eligible client has a problem that cannot be handled over the telephone, the client will be referred to the appropriate local field office or to the Pro Bono Program. If it is determined that an eligible client has a non-legal problem, the client will be referred to the appropriate entity or agency.

Counsel, advice and brief services will be confirmed in writing when appropriate. Clients will be advised of action they need to take and will be notified of important deadlines. It is also anticipated that brochures and other educational materials will be sent to potential clients when appropriate.

All efforts are being made to address the concern that potential clients receive prompt and quality assistance by addressing carefully the type of telephone system (auto attendant, automated call distribution, queues and voice mail), the computer hardware and software, and the quality of staff which will be used to operate the centralized intake system.

A resource manual is being drafted for use by the centralized intake staff. Also, a committee with representatives from all five programs has been working on standardizing forms and questionnaires for statewide use.

In addition, the five programs recognize the need to develop service delivery systems which involve the private bar, *pro se* assistance and community legal

education materials in order to assist clients in understanding their legal problems and taking action on their own behalf.

Extensive review of case records by the centralized intake director will ensure that clients receive correct, complete, understandable and appropriate assistance. The clients, service providers and the centralized intake staff will be given regular opportunities to evaluate the effectiveness of the system.

The centralized intake system will allow all five programs to identify common priorities, standardizing where possible, while making use of sophisticated technology to enable the system to identify and appropriately deal with legitimate differences in the service areas of the programs.

The five programs are committed to the continued enhancement of the new access to service delivery system through regular communication with other service providers and the South Carolina Bar.

A statewide migrant program with an annual budget of approximately \$150,000 is administered through the Charleston office of Neighborhood Legal Assistance Program (NLAP). Also, most offices maintain toll-free telephone lines for better client access. Foreign language and sign language interpreters are available through each program. Each program has a location in every county it serves so that intake can be performed and advocates can meet with clients.

2. Technology

Over a year ago, the five LSC-funded legal service programs committed to having a customized case management software designed to support case

reporting, intake and time keeping to be used statewide. On April 14, 1998, a contract was finalized with Advanced Information Systems Inc. to develop case management software that will be installed in each legal services office and the proposed centralized intake office. This software will be available for leasing in other states. A copy of that contract is attached.

The Standardization Committee, which includes representatives from each of the five programs, worked with each program to ensure that each office obtained the minimum equipment necessary to support the new case management software. The new case management software and hardware purchases were made possible through combined grants of \$400,000 from the South Carolina Bar Foundation and the South Carolina Bar. Now each staff member will have access to a desk top computer. Networks have been incorporated in all offices.

The Standardization Committee will monitor the software and work to ensure that any changes are made on a statewide basis. Once the centralized intake is operational, the new technology will make it quick and efficient to transfer case files from the central office to the local field offices or to the South Carolina Bar Pro Bono Program.

The new hardware will allow each office to be connected to the Internet. Palmetto Legal Services has developed an award-winning Web page which provides information about staff in each office, application procedures and services available. It also provides links to related Web pages such as the LSC and Social Security Administration Web pages. Educational brochures are also available on-line.

Through the Standardization Committee, Palmetto is assisting the other LSC programs in creating Web pages which will be linked together. Briefs, pleadings and other appropriate documents will be available through the Web page. The site also provides a link to a real-time chat room for statewide legal services discussions of issues and sharing of information.

With the ever-expanding legal links available on the net, an office's access to research and connection with other legal service lawyers and resources across the country will be available which in turn will enhance the quantity and quality of services to the indigent population of the state of South Carolina.

3. Access to the Courts, Self-help and Preventive Education

In South Carolina, low income persons face a number of barriers to access to justice. Several years ago the legal services offices were forced to reduce staff. Though the number of employees is slowly rising, it is still insufficient to meet the legal needs of the indigent.

Much of South Carolina is rural so transportation to field offices is another barrier for clients. Most of the legal service lawyers are located in the larger cities.

Private lawyers in smaller counties are subject to an excessive number of civil court appointments on abuse and neglect, termination of parental rights and juvenile matters. Because they receive no compensation on these cases, most of these lawyers do not accept referrals from the Pro Bono Program.

There is a continuing effort to increase public awareness of legal services and the services it provides. Many people including Bar members do not understand

what types of cases legal services may handle. Finally, some members of the South Carolina judiciary are not *pro se* friendly. Many judges discourage *pro se* cases and litigants and may require strict adherence to procedural requirements to encourage retention of lawyers.

The South Carolina Bar hosted a series of citizen meetings designed to get input on the legal process. Ideas and recommendations to be implemented include the following:

- Require Annual Sensitivity Training for Judges, Court Personnel, Lawyers and Law Enforcement Officers
 - Promote, Expand and Coordinate Mediation and Alternative Dispute Resolution (ADR)
 - Increase Court Funding and Staffing
 - Improve Magistrates Court
 - Offer More Public Education on the Legal System
- The Bar is committed to implementing changes recommended by the citizens.

One change includes establishing a legal information line with funding from the South Carolina Bar Foundation. This will allow people to receive basic legal information on a toll-free telephone line. This service will also provide referrals to the legal services centralized intake system.

Also, the Bar will continue to stress the importance of alternative dispute resolution and mediation within the legal services community. Mediation will allow more clients to resolve issues and will free up lawyer time for cases requiring litigation.

The Pro Bono Program will continue presenting educational legal clinics in the low income communities. Details of these clinics are provided in Section 5.

Through the Centralized Intake office, areas needing clinics will be easily identified.

Several legal services offices have instituted *pro se* clinics. More offices plan to start offering *pro se* assistance. This assistance will include domestic matters as well as consumer and housing cases. Other clinics for the homeless and senior citizens are offered in various locations.

Piedmont Legal Services has video tapes on living wills, health care powers of attorney and reverse mortgages. Legal Services Agency of Western Carolina (LSA WC) and NLAP have video tapes on domestic violence. Palmetto Legal Services has a video tape on divorce based on habitual drunkenness/drug abuse. Plans are being developed to share these tapes among all five programs.

Several programs speak at civic and other community functions, explaining the purpose of legal services and providing legal education. LSA WC has secured funding for community mediation training in order to help establish a community mediation center.

4. Coordination of Legal Work, Training, Information and Expert Assistance

Training and case assistance has been provided to the legal services program staff on a statewide basis by the South Carolina Legal Services Association, Inc. (SCLSA). SCLSA is a former LSC-funded state support center. This office currently has three lawyers who provide training and case assistance in the

following areas: family, housing, health, Social Security/SSI, consumer, TANF, food stamps, veterans and unemployment matters. This assistance is available to volunteers of the South Carolina Bar's Pro Bono program and private lawyers who demonstrate they are assisting low and moderate income clients.

SCLSA surveys legal services staff each year to determine the training needs of the field programs. This information is provided to the substantive legal services task force meetings for input. The training curriculum is based on the survey and task force responses. SCLSA staff will also take into account the calls it receives from the private bar to incorporate some of the needs it sees from pro bono volunteers.

SCLSA is a non-restricted program and must now charge the programs a set amount for each person who attends. The change has had an effect on the number of trainings and whom SCLSA can bring in as a trainer. SCLSA must estimate the total cost of a training and then require payment for each person who attends.

SCLSA is making greater efforts to market these trainings to pro bono volunteers and private lawyers. When costs allow, training notices are sent to members of the Bar that would have an interest in the subject matter. Substantive Bar sections have been sent notices. To encourage pro bono participation, SCLSA will charge a lower rate for pro bono volunteers. In addition, SCLSA has invited members of LSAWC's Libra Society to participate in the trainings at a lower rate.

In addition to substantive trainings for the legal services programs, SCLSA staffs four substantive statewide task forces. Guest speakers are often invited to

the meetings to provide information on a number of issues. Continuing legal education credit is awarded to lawyers who attend these trainings. In addition, the task forces allow staff from around the state to share ideas and strategies with each other. Participation increased this last year as program directors encouraged staff to attend.

SCLSA also has developed legal trainings for individual programs as needed. This is especially helpful when a program finds itself with a number of new staff members who need basic training.

SCLSA is also looking to partner with other organizations to help increase private lawyer participation as trainers. The South Carolina Chapter of the Academy of Trial Attorneys has made the training of legal services lawyers one of its pro bono service projects. SCLSA is working with this volunteer organization to develop an annual trial skills training for legal services lawyers. Legal services lawyers will be trained by some of South Carolina's premier trial lawyers in a low cost and effective seminar. It is hoped that next year's training will be expanded into a simulation and evaluation training, similar to the Basic Legal Skills Training (BLAST) done in the past. Using volunteer trial lawyers will keep costs minimal.

The programs regularly send staff to the South Carolina Bar CLEs. Staff also attends NLADA and American Bar Association Pro Bono conferences, as well as the Southeastern Project Directors meetings. Technical school trainings are utilized when available, such as for computer classes.

The South Carolina Bar Pro Bono Program has agreed to assist SCLSA with increasing the participation of private pro bono lawyers at the SCLSA-sponsored trainings. The Pro Bono Program has agreed to mail training notices to its volunteers who have agreed to accept cases in the substantive area of the training. This will help offset some of the cost and ensure that private lawyers are trained in the specialized areas of poverty law. All offices are available to answer questions of Pro Bono lawyers.

The South Carolina Bar has been a longtime partner in assisting the legal services programs with their training needs, as well as ensuring that training is available to its volunteer lawyers. The Bar's Pro Bono Program opens its two annual CLE programs to legal services staff. This is a low cost and effective way to make the Bar's seminars accessible to legal services lawyers and paralegals. Also, the Pro Bono Program provides a voucher for a 50% discount on any CLE for lawyers who provide at least 35 hours of volunteer service during a calendar year.

Case assistance has been made available to legal services and Pro Bono lawyers by the staff of the SCLSA. Staff is available to provide research, technical advice, assistance with pleadings and case strategy.

SCLSA staff is also available to help legal services and pro bono lawyers with case assistance involving administrative agencies. SCLSA staff has a number of contacts within state agencies that provide services for clients.

Case review during substantive task force meetings allow advocates to receive advice from a number of persons who may have experience and expertise

with a certain type of problem. It also allows staff from different programs to meet each other and know who may be a good resource on a case for the future. Greater support and participation in task forces is encouraged by all programs to make this resource even more effective.

The South Carolina Bar Pro Bono Program has been working with a number of the substantive law sections of the Bar to promote mentoring programs for pro bono volunteers. The Family Law Section has adopted such a program to encourage more lawyers to undertake these types of cases. The Consumer Law Section has also had some discussions about adopting such a project. This is a wonderful opportunity for lawyers to share their expertise and to encourage other lawyers to undertake pro bono cases.

Programs are being established to share expertise around the state. SCLSA and the Pro Bono Program will be providing a number of trainings for lawyers interested in providing domestic violence victims in the upcoming year. Palmetto Legal Services has trained paralegals to represent clients in Social Security/SSI cases and will have its staff available to assist when needed. SCLSA has trained lawyers in an SSI Children's project and has a list of mentors to assist the volunteer lawyers who are willing to take a case. Continued projects like these will use staff and experienced Bar members to assist those who are willing to take volunteer cases.

5. Private Attorney Involvement

Libra Society at Legal Services Agency of Western Carolina

The Libra Society is a locally directed pro bono program and is overseen by LSAWC. Emergency cases that are not handled by LSAWC staff may be referred through Libra to local, private lawyers. Malpractice insurance on all cases referred through Libra is provided by LSAWC.

Lawyers handle the matters on a pro bono basis. The client is responsible for filing, service and other fees. If the case cannot be placed through the Libra Society, the case is sent the South Carolina Bar's Pro Bono Program.

LSAWC provides trainings for Libra members and conducts an annual awards banquet to honor lawyers who have provided at least eight hours of service each month for the preceding 12 month period.

Modest Means

The Modest Means Program is a part of the Libra Society. Libra lawyers agree to take cases that are slightly above regular income guidelines for a reduced fee, approximately \$45 per hour.

Piedmont Legal Services

Piedmont Legal Services utilizes private lawyers by contacting them directly to place emergency cases. Once placed, the paperwork is forwarded to the Bar's Pro Bono Program, which then handles all administrative aspects of the case.

South Carolina Bar Pro Bono Program

The South Carolina Bar, in conjunction with the legal service agencies, established the Pro Bono Program in 1986. It is a voluntary organization. Presently more than 3,000 lawyers are enrolled in the Program. Cases that legal service offices cannot handle due to conflict, priorities, lack of resources or expertise are sent to the Pro Bono Program.

In conjunction with the USC School of Law, Pro Bono has recruited law student volunteers to assist with the Pro Bono Program. Several paralegal and legal secretary groups have committed to assisting the Program. Pro Bono maintains a list of process servers, court reporters and psychologists who have volunteered to assist Pro Bono. Many mediators are also available on Pro Bono cases. Pro Bono maintains a list of mentors to give assistance to less experienced practitioners in domestic matters as well as other areas of law.

The Pro Bono Program carries professional liability insurance on Pro Bono lawyers for all Pro Bono Program cases referred from the program, including direct intake from volunteers and court appointments (when reported by the volunteer).

The Pro Bono Program has special projects in cooperation with a number of institutions including the Veteran's Hospital for their patients, Palmetto Aids Life Support Services for their clients, Palmetto Senior Care for their patients, Palmetto State Base Camp for its residents and Sistercare for their clients.

The Pro Bono Program sponsors several legal clinics. A bankruptcy clinic is held the first Tuesday of each month. Midlands area residents interested in filing a

Chapter 7 bankruptcy are screened for financial eligibility by Palmetto Legal Services. They are given a bankruptcy questionnaire to complete prior to the clinic. Volunteer paralegals at the clinic review the questionnaire and provide assistance to the volunteer lawyers. The lawyers provide counsel and advice as needed and review the file for referral to Pro Bono Program.

Several legal education clinics are held either monthly or quarterly in low income communities. At one clinic, a large law firm provide lawyers who present a lecture on a legal topic, then meet with participants in private sessions. Appropriate cases are referred to Pro Bono. At another legal education clinic, the U.S. Attorney's office provides the presenters, and SC Bar Lawyer Referral Service lawyers are available for the private sessions.

The Pro Bono Program received a grant from the South Carolina Bar Foundation to run an informational legal information telephone line. This service will use volunteer lawyers. The Pro Bono Program has dedicated a staff paralegal to organizing clinics throughout the state, again using volunteer lawyers to provide the education, counsel and advice to clients.

Each program has volunteer lawyers on its Board of Directors. Also, all program use Private Attorney Involvement for compensated and non-compensated pro bono.

The Centralized Intake Hotline will develop the use of private, volunteer lawyers. The Hotline will identify areas of the state where clinics will be especially useful as well as use volunteers to answer the telephone lines.

South Carolina court rules allow corporate lawyers to act as guardians ad litem under the supervision of LSC lawyers. Also, senior lawyers can accept and handle cases under the supervision of LSC lawyers.

6. Resource Development

The majority of funding for the five legal services programs still comes from the Legal Services Corporation. The programs receive a substantial grant from the South Carolina Bar Foundation's Interest on Lawyer Trust Accounts Program (IOLTA). In 1998, \$1,045,824 has been provided to legal services offices for general operations and for the implementation of the Centralized Intake system. The South Carolina Bar implemented a voluntary bar dues increase of \$30 dedicated to funding civil legal assistance beginning with 1998. More than sixty percent of that funding, \$124,600, went to the legal services programs to further fund their internal costs to enable participation in the Centralized Intake, and \$42,480 was reserved for the Centralized Intake office.

The legal services programs received money from the State of South Carolina for the first time in January of 1998. This funding is raised through a \$15 filing fee surcharge. This year, almost \$1.2 million was collected. It can only be distributed to LSC-funded programs and is allocated by percentage of the program's poverty population. The political climate in this state makes it unlikely that the legal services programs would ever be in a position to receive an additional allocation through appropriated dollars from the General Assembly.

The programs are pursuing joint grant applications for special projects. Four of the programs are currently receiving VAWA funding. All five programs have applied for VAWA grants in 1998. LSAWC has submitted a proposal, on behalf of all the legal services programs and SCLSA, for the federal Domestic Violence Civil Justice Grant. The programs are all willing and committed to looking for additional joint projects. Three of the programs have received funding from HUD to do foreclosure counseling. Palmetto Legal Services has received a three year grant to fund one lawyer to assist the homeless. Piedmont Legal Services and LSAWC both receive support from area United Ways. Piedmont, LSAWC and NLAP receive county and/or city funding for some of their service areas.

Piedmont is a participant in Rummage for Reason: a community-wide rummage sale to benefit several area non-profit agencies. The sale raised \$5,500 and has increased the communities awareness of Piedmont.

Two programs, LSAWC and Palmetto Legal Services, hold annual meeting events as a fundraising effort. The individual programs do separate solicitation of lawyers in their areas. The programs were funded, along with SCLSA and the Pro Bono Program, to do a statewide fundraising campaign. Unfortunately that did not prove to be profitable as lawyers were not interested in donating to a pooled campaign and would rather give their money locally. A Resource Development Board was formed to help assist with these efforts. The interest from the board was minimal, and it was disbanded after two years. The Board did assist in influencing a number of banks to increase their IOLTA interest rates.

7. System Configuration

LSC supports five programs serving the 46 counties in South Carolina. The smallest program serves two counties, but provides VAWA assistance and HUD counseling to several counties, and the largest serves 13 counties. The total poverty population in South Carolina is about 520,000. The poverty population in the smallest program area is about 31,000 and in the largest program is about 152,000. The budget for the smallest program is \$513,789 (including funds for VAWA and HUD) and for the largest program is \$1.7 million. In 1996, two programs merged into what is now service area 7. Each of the five programs is currently striving to operate efficiently and effectively representing eligible clients. Each program has designed its service plan to accommodate the client population within its service area.

In the past year, the five programs have developed new and stronger ties through four cooperative efforts. One, a standardization committee with staff from each program was created to develop standardized questionnaires and forms for use in all offices. Referral of cases using these forms will be more uniform. The committee has also worked on standardizing eligibility guidelines and other office procedures. Uniformity will help clients while allowing each program to retain its individuality.

Two, a new case management system, with financial and moral support of the Bar and Bar Foundation, is being developed. The new system will be used by each program and the statewide telephone intake system. It is being designed with

extensive input from the programs to assure that the system will be easy to use and will provide all information necessary for reporting.

Three, the programs are in process of implementing a statewide intake telephone system, which should be operational in early 1999. The system is being designed with input from all programs to assure that it will be successfully utilized by all programs.

Four, the LSC programs attempted to involve all stakeholders - judges, court administration, private practitioners, Bar leaders, social service providers - in a review of the delivery system. This was unsuccessful. In 1996 the Bar established the Structure Task Force, consisting of Bar leaders and others interested in legal services, to review the configuration and efficiency of the LSC programs in South Carolina. With this Task Force's encouragement and urging, the programs created a Legal Services Coordinating Council consisting of two persons from each legal services program, two persons from the South Carolina Bar and two persons from the South Carolina Legal Services Association. A representative from the South Carolina Bar Foundation attends the meetings in an advisory capacity. The Legal Services Coordinating Council provides a forum to encourage legal services programs to share information and ideas.

The programs strive to obtain funding from sources other than LSC, with the programs achieving different levels of success. The percentage of the total budget for each program from LSC now ranges from a high of 80% to a low of 45%. The local presence of each program allows for a more personal relationship with local

funding sources. It is easier to assure local funders that money will be spent locally. Lawyers want assurance that their contributions will provide services in their home town.

While local programs are cooperating in creating statewide forms and definitions for eligibility purposes, each program has its own set of priorities. These priorities reflect the people who provide client services and the community, ensuring that the programs are sensitive to the needs of clients in all areas of the state.

The smallest program, Carolina Regional Legal Services, Inc., joins in all the statewide initiatives. Its financial matters are handled by the neighboring legal services program which reduces administrative costs while allowing Carolina Regional to maintain its local presence.

Local programs can more readily adapt their intake system to the communities served. While a statewide centralized intake system will handle most of the intake, some will still occur in the field office where local programs can design appropriate intake procedure for its counties. Local control of staff is also helpful. The local programs can determine if more lawyers are needed or if paralegals would be best. The decision is driven by the priorities of each program. Local programs can best assure that resources are spent on a local level. A local program with its own budget can assure that resources are spent evenly throughout a service area. Even if South Carolina were to convert to a statewide office,

regional offices would need to be maintained for a variety of reasons, including local fundraising, priority setting and community outreach.

The five programs in South Carolina are working together and separately to best serve the clients. The programs work together when that will help serve clients better, such as the statewide telephone intake and standardization of forms. The programs work separately when that will help the clients, such as fundraising and priorities.

The Legal Services Coordinating Council has reviewed the present configuration of the LSC programs and has determined that the state is best served through five programs. However, consolidation and realignment of counties to provide better and more service to indigent clients are open issues and will be reviewed on a regular basis.